

REMARKS

Claims 1-8, 10-23 and 25-31 are now pending in the above referenced patent application. Claims 1-8, 10-23 and 25-31 were rejected in the Final Office Action mailed on April 6, 2005 ("the Action") and remain rejected. An Accordingly, reconsideration of the application is respectfully requested.

Withdrawal of Appeal

The Applicants hereby withdraw this matter from appeal by filing the present Amendment and Response and the accompanying Request for Continued Examination.

Cited Art

The Action cites Lewis et al., U.S. Patent No. 6,385,388 (hereinafter "Lewis"); Hsu et al., U.S. Patent No. 6,195,692 (hereinafter "Hsu"); DirecTV, Inc. (hereinafter "DireTV") and "Ratings, Filters, and Censorship" by Gary Robson (hereinafter, "Robson").

Rejection of Claims under 35 U.S.C. § 103

The Action rejects claims 1-8, 10-16, 19-23 and 25-31 under 35 U.S.C. § 103(a) as being unpatentable over Lewis, in view of Hsu, and further in view of DirecTV. The Action also rejects claims 17 and 18 under 35 U.S.C. § 103(a) as being unpatentable over the same art, and further in view of Robson. Applicants respectfully submit the claims in their present form are allowable over the cited art. The cited art does not teach or suggest at least one limitation of each of these claims. Accordingly, Applicants request that all rejections be withdrawn. Claims 1, 3, 12, 19, 26, 28, and 30 are independent.

Claim 12

Claim 12, as amended, recites, in part:

accessing over a network a group of segments of video content including a set of segments that does not include all segments of the group, and wherein the segments in the set, . . . have been protected by having blocks of video data in the segments modified to prevent the protected segments from

being properly reproduced on a display device without undoing the protection with assistance of a correct key. . . ;

undoing the protection if the correct key is received by restoring blocks of video data in the protected segments to their original form; . . .

[Emphasis added.] The Application gives examples of modifying blocks of video data in order to effect protection of segments in its discussion of bit encryption and visually scrambling video blocks. [See, Application, at page 12, line 20 to page 22, line 22.] For example, at pages 15-16, the Application describes modification of data in video blocks, in this case through altering video coefficients, in order to protect segments:

In some embodiments, scrambling mechanism 244 alters some coefficients of at least some blocks (e.g., in MPEG macroblocks) of the bitstream. Coefficients are an example of data to be altered in scrambling. . . . In the particular embodiment of FIG. 12, a strength parameter mechanism 248 selects some or all of the coefficients of an MPEG macroblock to be available for altering; but they are not necessarily altered. . . . Responsive to a key, coefficient selection mechanism 246 selects some of the available coefficients to be altered by scrambling mechanism 244. . . .

In some embodiments, the coefficients are altered by inverting the sign of selected coefficients. Descrambling can be performed by inverting the signs of the same coefficients to obtain the original values of the coefficients.

[Application, at page 15, line 23 to page 16, line 6; emphasis added.]

Lewis's DVD processing system, which simply branches away from protected scenes, does not teach or suggest the modification of blocks of video data as recited in claim 12.

While the rejection of claim 12 does not explicitly address the claim language recited above (see, Action at page 6, Answer at pages 6-7), the Action appears to rely on the rejection of similar language from claim 1. In that rejection, the Action cites to Figure 8a, asserting that Lewis teaches "selecting a set of segments of content from a group of segments to be protected wherein the set does not include all segments of the group." [Action, at page 3, Answer at page 3.] However, as the text accompanying Figure 8a demonstrates, Lewis teaches using program chains to protect content by *branching around* protected content, rather than modification of video data:

Different versions of a video title set, corresponding to different parental control ratings, may be provided by the disc author to enable disc player 24 to seamlessly branch between various scenes to provide multiple playback sequences for a particular video title set. By setting the user selected parental rating to a low level, objectionable scenes may be skipped over for younger viewers, while an unedited version of the program may be viewed by

older viewers by setting the user selected parental rating to a higher level. *The seamless branching is achieved by linking and displaying the desired cells, programs and program chains as desired. FIGS. 8 a-b illustrate a single playback sequence and a multiple playback sequence provided by seamlessly branching between groups of program chains. In FIG. 8 a, the disc only provides for a single playback sequence which comprises program chain # 1 , wherein the playback proceeds in one continuous sequence. In FIG. 8 b, multiple playback sequences are provided, wherein a G-rated sequence would follow program chains 1, 2, 4 and 7, while a PG-rated playback sequence would follow program chains 1, 3, 5 and 8, and an R-rated playback sequence would follow program chains 1, 3, 6 and 9.*

[Lewis, at column 5, line 58 to column 6, line 12; emphasis added.]

As the cited portion of Lewis demonstrates, the branching technique Lewis uses simply skips over content in order to protect it. Additionally, the passage demonstrates that this skipping is done via sequence-level information, rather than at the level of actual blocks of video data. Applicants fail to identify any discussion, either in the above-quoted passage or elsewhere in Lewis, of modification of blocks of video data.

Applicants also note that, while the Action and Answer discussed the “visual scrambling” language of claims 2 and 13, they did not point to any passage of Lewis for this “visual scrambling” language. The Action and Answer do discuss selecting part of a data stream to scramble (*see*, Lewis, at page 13), however, they do not directly address this “visual scrambling” language, nor indicate where such language might be disclosed in Lewis.

Furthermore, Applicants respectfully argue that Lewis *cannot* be combined with a reference which teaches modification of video data, as Lewis teaches away from such a combination. As discussed above, Lewis is focused on “branching between groups of program chains.” [Lewis, at column 6, lines 3-4.] This is supported by Lewis’ later description of applying its parental control feature to unrated discs:

As noted above, the present invention recognizes the parental control feature described above does not apply when a disc or a video title set is unrated or does not have a parental rating associated with it. The present invention further recognizes that a user may wish to apply the parental control feature to unrated discs or video title sets thereby preventing playback of such discs or video title sets. As such, disc player 24 provides a user with the option of locking disc player 24 with respect to unrated discs or video title sets. . . . Once the unrated disc lockout feature is selected, the control system of disc player 24 establishes a system control condition which automatically locks, or prevents playback, of all discs or video title sets which do not have a parental rating associated with it.

[Lewis, at column 6, lines 27-48.] Thus, Lewis teaches the desirability of applying its control techniques after video data has been burned to a DVD. Lewis thus demonstrates the applicability of its techniques to a situation where video data, at least at a block level, can no longer be modified. Applicants respectfully contend that Lewis thus teaches the desirability of protecting unmodifiable video content, and thus teaches away from the “modif[y]ing” language of the claim recited above. Applicants do not find relevant disclosure in either Hsu or DirecTV.

For at least these reasons, Lewis, Hsu, and DirecTV, taken either separately or in combination, do not teach or suggest at least one element of claim 12. Claim 12, as well as claims 13-16, which depend from claim 12, are thus allowable, and Applicants request their allowance. Applicants will not belabor the merits of the separate patentability of dependent claims 13-16.

Claim 1

Claim 1, as amended, recites, in part:

protecting the segments of the set . . . by modifying blocks of video data contained in the protected segments to prevent the protected segments from being properly displayed by the receiving device on a display device unless the protection is undone with assistance of a correct key that is not generally available and is based at least in part on the associated identifier, including the processor number for the receiving device; and providing access to the group of segments of video content over a network.

As discussed above, in its rejection of claim 12, the Action appears to rely on its rejection of claim 1. Thus, for at least the reasons discussed above with regard to the rejection of claim 12, Lewis, Hsu, and DirecTV, taken either separately or in combination, do not teach or suggest at least the above-quoted language of claim 1. Claim 1, as well as claims 2, 5-7, 10, and 11, which depend from claim 1, are thus allowable, and Applicants request their allowance. Applicants will not belabor the merits of the separate patentability of dependent claims 2, 5-7, 10, and 11.

Claim 3

Claim 3, as amended, recites, in part:

protecting the segments of the set . . . by modifying blocks of video data contained in the protected segments to prevent the protected segments from being properly displayed on a display device unless the protection is undone with assistance of a correct key that is not generally available;

. . .

wherein selecting the set involves selecting at least some of the set for visual scrambling and modifying blocks of video data includes visually scrambling blocks of video data in those segments selected for visual scrambling.

For at least the reasons discussed above with regard to the rejection of claim 12, Lewis, Hsu, and DirecTV, taken either separately or in combination, do not teach or suggest at least the above-quoted language of claim 3. Claim 3, as well as claims 4 and 8, which depend from claim 3, are thus allowable, and Applicants request their allowance. Applicants will not belabor the merits of the separate patentability of dependent claims 4 and 8.

Claim 19

Claim 19, as amended, recites, in part:

circuitry and software also configured to protect the set of selected segments . . . by modifying blocks of video data within the selected segments, to allow access . . . by restoring the original blocks of video data with assistance of a correct key that is not generally available, wherein the correct key is based at least in part on the processor number . . .

For at least the reasons discussed above with regard to the rejection of claim 12, Lewis, Hsu, and DirecTV, taken either separately or in combination, do not teach or suggest at least the above-quoted language of claim 19. Claim 19, as well as claims 20-23 and 25, which depend from claim 19, are thus allowable, and Applicants request their allowance. Applicants will not belabor the merits of the separate patentability of dependent claims 20-23 and 25.

Claim 26

Claim 26, as amended, recites, in part:

protect the segments of the selected set . . . by modifying blocks of video data to prevent the protected segments from being properly reproduced on a display device unless the protection is undone with assistance of a correct key that is not generally available, . . .

For at least the reasons discussed above with regard to the rejection of claim 12, Lewis, Hsu, and DirecTV, taken either separately or in combination, do not teach or suggest at least the above-quoted language of claim 26. Claim 26, as well as claim 27, which depends from claim 26, is thus allowable, and Applicants request their allowance. Applicants will not belabor the merits of the separate patentability of dependent claims 27.

Claim 28

Claim 28, as amended, recites, in part:

wherein segments in the set . . . have been protected by modification of blocks of video data in the segments to prevent the protected segments from being properly reproduced on a display device without undoing the protection with assistance of a correct key that is not generally available, wherein the correct key is based at least in part on a processor number for a receiving device for the content;

undo the protection if the correct key is received by restoring original blocks of video data in the protected segments; and

play the entire group of segments, including both the protected segments and the other segments seamlessly with a media player on the display device, wherein the media player plays the protected segments improperly if the correct key is not received.

For at least the reasons discussed above with regard to the rejection of claim 12, Lewis, Hsu, and DirecTV, taken either separately or in combination, do not teach or suggest at least the above-quoted language of claim 28. Claim 28, as well as claim 29, which depends from claim 28, is thus allowable, and Applicants request their allowance. Applicants will not belabor the merits of the separate patentability of dependent claim 29.

Claim 30

Claim 30, as amended, recites, in part:

protecting the segments of the set through visual scrambling determined based at least in part on the associated identifier, wherein the visual scrambling comprises modifying coefficients of video blocks within the protected segments

For at least the reasons discussed above with regard to the rejection of claim 12, Lewis, Hsu, and DirecTV, taken either separately or in combination, do not teach or suggest at least the above-quoted language of claim 30. Claim 30, as well as claim 31, which depends from

claim 30, is thus allowable, and Applicants request their allowance. Applicants will not belabor the merits of the separate patentability of dependent claim 31.

Claims 17 and 18

Each of claims 17 and 18 depend from independent claim 12. For at least the reasons discussed above with regard to the rejection of claim 12, Lewis, Hsu, and DirecTV, taken either separately or in combination, do not teach or suggest at least the above-quoted language of claim 12. Applicants do not find further relevant discussion in Robson. Claims 17 and 18 should be allowable over Lewis, Hsu, DirecTV, and Robson. Applicants will not belabor the separate patentability of dependent claims 17 and 18.

Conclusion

In view of the foregoing, reconsideration and allowance of all pending claims is solicited. If the Examiner has any questions, the Examiner is kindly requested to contact the undersigned at (503) 796-2972. If any fees are due in connection with filing this paper, the Commissioner is authorized to charge the Deposit Account of Schwabe, Williamson and Wyatt, P.C., No. 50-0393.

Respectfully submitted,
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Dated: 07/17/2009

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